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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

Works
M.S. 1170

94-32

IN REPLY REFER TO:
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The Honorable Jennifer Dunn
U.S. House of Representatives
1641 Longworth Building
Washington, DC 20515

RECEIVED

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

Dear Congresswoman Dunn:

This letter responds to an inquiry received from your constituent, Mr. Thomas E. Krueger. Mr. Krueger expresses his concern regarding the auctioning of radio frequency spectrum on which unlicensed (Part 15) devices are permitted to operate.

As discussed in Section 309(j) of the Communications Act of 1934, as amended, 47 USC 309(j), Congress implemented legislation to provide for the auctioning of radio spectrum where there would be mutually exclusive applications for initial licenses or construction permits. There are two rule making proceedings currently under way in which the Commission proposes to auction spectrum that is also used by Part 15 devices. The first of these, PR Docket No. 93-61, concerns expansion of the applications permitted for Automatic Vehicle Monitoring systems currently allocated under Part 90 of our rules in the 902-928 MHz band. This band is also allocated for industrial, scientific, and medical (ISM) applications, U.S. Government radar systems, U.S. Government fixed and mobile operations, and the Amateur Radio Service. The second, ET Docket No. 94-32, addresses new operations in the 2402-2417 MHz band that was identified by the Department of Commerce for transfer from the Federal Government to private sector use. This latter band is allocated for ISM applications, U.S. Government radar systems, and the Amateur Radio Service.

The Commission permits unlicensed radio operation in spectrum that has been allocated for licensed radio services. The operation of unlicensed devices is permitted on a non-interference basis; that is, the unlicensed devices are not protected from any interference they receive, and the operator of the unlicensed device must correct any interference they cause to the licensed radio services.

We have not proposed to eliminate the use of unlicensed devices in the spectrum under consideration for auctioning in either of the pending proceedings. However, we recognize that increased use of the spectrum by licensed users may cause somewhat increased interference to existing Part 15 users. We have received a number of letters expressing concern about such interference, and the Commission is considering how to respond to these concerns in each proceeding. As such, we are placing copies of your letter in the docket files.

No. of Copies rec'd _____
List A B C D E

The Honorable Jennifer Dunn
Page Two

Final action on our proposals to auction these portions of the spectrum is expected in the near future. Please call if I can provide additional information on these issues.

Sincerely,



Richard M. Smith
Chief
Office of Engineering and Technology

cc: Julius Knapp
Robert Bromery
Art Wall
Rick Engelman
Dockets for placement in the comment files for ET Docket 94-32
Dockets for placement in the comment files for PR Docket 93-61

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Chief, TSB

Chief, AED

JENNIFER DUNN

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UNITED STATES
HOUSE OF REPRESENTATIVES

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PUBLIC WORKS AND
TRANSPORTATION COMMITTEE

SCIENCE, SPACE, AND
TECHNOLOGY COMMITTEE

HOUSE ADMINISTRATION
COMMITTEE

December 21, 1994

Mr. Reed Hunt
Chairman
Federal Communications Comm.
1919 M Street N.W.
Washington, D.C. 20554

Dear Mr. Hunt:

Mr. Thomas Krueger has contacted my district office requesting my assistance in bringing a matter of importance to him to your attention. He is concerned about the selection and sale of part of the spread spectrum by the Federal Communications Commission (FCC).

According to Mr. Krueger, he is concerned that the sale of certain frequencies would adversely effect small businesses such as his.

Enclosed you will find a copy of the letter I received from Mr. Krueger. Any information you can provide my constituent would be greatly appreciated. Should you have any questions or require additional information, please contact Scott Lindsay in my district office at 206-450-0161.

Thank your for your time and attention to this matter.

Best regards,

JENNIFER DUNN
Member of Congress

JD:sml
Enclosure

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7 December, 1994

The Honorable Jennifer Dunn
50 116th Avenue S.E.
Suite 201
Bellevue, WA 98006

Dear Madam:

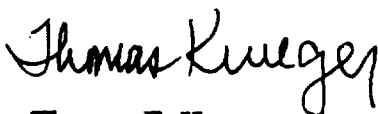
As I have previously written, I am disappointed in both the Department of Commerce and the FCC selecting and selling part of the spectrum currently allocated to spread spectrum (Part 15) activity. Not only will it cause installed systems to be inoperable, but it will limit the growth of companies that were using or planning to use these frequencies.

The attached article gives a glimmer of hope that sensibility may be occurring on this issue. As for where spread spectrum devices are currently in use, some are:

- Utility meter reading (Itron in Spokane has delivered many thousand of remote reading spread spectrum transmitters to the natural gas distribution industry)
- Point of sale terminals (most NCR - now ATT - cash registers use spread spectrum transceivers instead of wires to connect to the main computer)
- Networks (Metricom is installing a spread spectrum network in the Seattle area, with Microsoft as one of its major clients; Metricom first network currently covers most of Silicon Valley)
- Bar code readers (Intermec in Everett has delivered over 10 thousand spread spectrum transceivers within hand held bar code data acquisition units used in stores, warehouses, etc.)
- Security monitoring (Spectrum Data in Des Moines has two contracts with the Department of Energy for security systems that will use thousands of spread spectrum transceivers per installation)
- Wireless PBX (Ericsson has installed wireless spread spectrum PBXs at PLU and Seattle Pacific University; it has been forecast that 25% of all PBXs will be wireless by year 2000)

Please help us to stop the sale of the "spread spectrum" bandwidth. It would be a shame to inhibit this very efficient use of our frequency spectrum.

Sincerely,



Thomas E. Krueger